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Security Council

Seventy-first year

Provisional

7628th meeting
Friday, 19 February 2016, 10 a.m.
New York

President:	Mr. Ramírez Carreño	(Venezuela (Bolivarian Republic of))
Members:	Angola	Mr. Gaspar Martins
	China	Mr. Zhao Yong
	Egypt	Mr. Mahmoud
	France	Mr. Lamek
	Japan	Mr. Okamura
	Malaysia	Mr. Ibrahim
	New Zealand	Mr. Van Bohemen
	Russian Federation	Mr. Iliichev
	Senegal	Mr. Seck
	Spain	Mr. De la Calle García
	Ukraine	Mr. Vitrenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Wilson
	United States of America	Ms. Power
	Uruguay	Mr. Bermudez

Agenda

Reports of the Secretary-General on the Sudan and South Sudan

Letter dated 22 January 2016 from the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) addressed to the President of the Security Council (S/2016/70)

Report of the Secretary-General on South Sudan (S/2016/138)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan and South Sudan

Letter dated 22 January 2016 from the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) addressed to the President of the Security Council (S/2016/70)

Report of the Secretary-General on South Sudan (S/2016/138)

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of South Sudan to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following to participate in this meeting: Mr. Festus Mogae, Chairperson of the Joint Monitoring and Evaluation Commission; Mr. Moustapha Soumaré, Deputy Special Representative of the Secretary-General for the United Nations Mission in South Sudan; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights.

On behalf of the Council, I would like to welcome Mr. Mogae, Mr. Soumaré and Mr. Šimonović, who are joining today's meeting via video-teleconference from Addis Ababa, Juba and Goma, respectively.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2016/70, which contains a letter dated 22 January 2016 addressed to the President of the Security Council from the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015). I also wish to draw attention of Council members to document S/2016/138, which contains the report of the Secretary-General on South Sudan.

At this meeting the Security Council will hear briefings from Mr. Mogae, Mr. Soumaré and Mr. Šimonović, as well as Mr. Fodé Seck, Permanent Representative of Senegal, who will speak in his capacity as Chair of the Committee established pursuant to resolution 2206 (2015).

I now give the floor to Mr. Mogae.

Mr. Mogae: Mr. President, I thank you for the opportunity to address the Security Council by video-teleconference today.

In October 2015, I was appointed to chair the Joint Monitoring and Evaluation Commission (JMEC), the body charged with overseeing the implementation of the August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan. The Agreement provides that the JMEC Chairperson may report to the Security Council at any time should there be need for remedial action in the implementation of the Agreement. It is my duty to report that in the months intervening since the Agreement was signed and JMEC began its work, as I reported to the Peace and Security Council of the African Union about three weeks ago, the progress made to date in implementation has been limited and lags far behind the timetables specified in the Agreement and in subsequent arrangements between the parties themselves.

Despite its imperfections, the Agreement provides the best opportunity for South Sudan to restore peace and stability. But the Agreement is only as strong as the political will that accompanies it, and, on this front, the resilience of the South Sudanese people continues to be severely tested by their leaders. Despite the repeated commitments leaders have made to uphold the Agreement, the test of timely implementation has not been met. The parties have consistently demonstrated that there is still much distrust and reluctance to overcome.

Before suggesting what could usefully be done to accelerate implementation, I should acknowledge the progress that has been made to date. First, after several months of discussion, the Sudan People's Liberation Movement/Army In Opposition (SPLM/A In Opposition) advance team returned to the capital, Juba, in late December 2015, after JMEC intervened to determine the parameters for return. Secondly, JMEC and a number of other institutions provided for in the Agreement, such as the Joint Military Ceasefire Commission, the Ceasefire and Transitional Security Arrangements Monitoring Mechanism and the National Constitutional Amendment Committee, have begun to meet. Thirdly, some steps towards the formation of the Transitional Government of National Unity have been

taken, including the amicable distribution of ministerial portfolios in the new Government, the appointment by President Salva Kiir of Mr. Riek Machar, in absentia, as First Vice-President, as provided for in the Agreement, and the start of redeployment of Government forces to locations at least 25 kilometres from the capital. And finally, and perhaps most crucially, the permanent ceasefire is largely holding in the former theatre of conflict of Greater Upper Nile, although as the latest events in Malakal amply demonstrate, violence continues to occur.

These achievements, though notable, should be seen in the context of a worrying escalation of instability and violence in other areas of the country, particularly in Western Equatoria and Western Bahr el-Ghazal, which were regions largely unaffected by the conflict that began in late 2013. Freedom of access of ceasefire monitors is a recurrent challenge, most recently in the vicinity of the town of Mundri, Western Equatoria. While the significant reduction in violence in the most conflict-affected states of Unity, Jonglei and Upper Nile is most welcome, even here the security situation remains fragile, and the tentative progress made is vulnerable to reversal if political dynamics shift.

Even if mass violence has largely subsided in the areas that experienced the most intense conflict, serious incidents are still occurring. Most recently, violence in Malakal over the past two days left at least 18 people dead, many hundreds more reportedly displaced, and significant damage to the United Nations protection-of-civilians camp, which is meant to be a place of refuge. I deplore this violence and call for a swift investigation to determine responsibility for these incidents. I urge all armed factions to show restraint.

More broadly, across the country, access restrictions and localized insecurity have made the humanitarian response extraordinarily complicated, and large parts of the country, both directly and indirectly affected by the conflict, continue to face humanitarian catastrophe, for reasons that are largely within the control of political actors. Humanitarian agencies remain unable to preposition adequate supplies before the rainy season arrives, given general insecurity and access restrictions by the authorities on both sides. So there should be no doubt that South Sudan's leaders can, if they wish, act to ameliorate the conditions in which their people live.

I witnessed the depths of the crisis when I travelled to Bor, Malakal and Bentiu — three of the conflict's worst-affected towns. Let me thank the United Nations Mission in South Sudan (UNMISS) for its facilitation of my travel to those areas. In those three towns, I met internally displaced persons who remain in United Nations protection of civilian sites in vast numbers, but who are, I understand, only a fraction of the population affected by the conflict and its resultant crisis. Two years after the conflict began, few yet have any confidence that they will be able to return to their homes and resume normal lives. This is because political progress has been so slow and because the provisions of the Agreement, while filled with potential, have yet to demonstrate real achievement on the ground for most.

The current preoccupation of the Joint Monitoring and Evaluation Commission remains the formation of the Transitional Government of National Unity, which should have been formed in November 2015 following the expiry of the Agreement's pretransitional period of 90 days. The subsequent reset date, which should have led to the establishment of the Transitional Government of National Unity between 15 December 2015 and 15 January 2016, was also missed, as was a further date for the new Government's formation, in part because of a number of new political obstacles, not least the creation by the present Government of new administrative boundaries within South Sudan.

The calendar issued in my capacity as Chairperson of JMEC accelerated the implementation of the Agreement's provisions in the latter half of December 2015, and the obstacle of new administrative divisions, I hope, has been overcome by the latest communiqué offered by the Intergovernmental Authority on Development (IGAD) in Addis Ababa on 31 January. Despite the IGAD communiqué, which was subsequently unconditionally endorsed by the parties and the entire JMEC membership in Juba on 2 February, as of today we still do not have a Transitional Government of National Unity in place.

We are, I believe, today closer to the formation of that new Government, but the mere act of formation will not deliver relief overnight, and does not necessarily mean that the path of implementation ahead will become any easier. The new Government must quickly confront the humanitarian, development, political and military crisis that the country continues to face. In addition to these facets of the crisis, the rapid deterioration of South Sudan's economic situation in recent months is an additional challenge.

Therefore, the significance of the new Transitional Government will be determined by its performance. Does the new Government demonstrate a commitment to the ambitious but necessary reform agenda provided for in the Agreement? Can the new Government consolidate peace and effectively manage the country, which is suffering from drastically reduced revenues but facing enormous needs? Will the new Government honour its commitments to accountability and reconciliation — processes that are desperately needed in the world's newest country? We in the international community must remain vigilant if we are to ensure that the Transitional Government is not only formed, but delivers on the promises and commitments contained in the Agreement.

In order to accelerate implementation of the Agreement, a high-level, coordinated international effort, comparable to that which led to the signature of the Agreement in August 2015, must be maintained. The South Sudanese parties should not believe that they can bypass the Agreement's commitments, difficult though they may be, or that any divergence in the views of the international community can be exploited for partisan interests. Continued pressure on the parties will remain necessary because the limits of time and political will remain significant constraints. Peace is the popular demand of the people of South Sudan. Unfortunately, among South Sudan's political leadership, the threat to resort to war in the event of political dispute arises all too frequently.

The United Nations, both through the Security Council and through UNMISS, has a critical role to play. I am grateful for the willingness of UNMISS to support the return of SPLM/A in Opposition personnel — both military and civilian — as the transitional security arrangements for Juba start to be implemented. I am grateful for the support of the United Nations to the work of the ceasefire monitors now deployed in 8 out of 10 locations, most recently Yambio and Aweil, as well as the soon to be formed area joint military ceasefire committees and joint military ceasefire teams, due to play a crucial role in the consolidation of the ceasefire. I urge the United Nations to continue to play a leading role in support of JMEC and in support of the Agreement.

In support of the Agreement, I would request that the Security Council consider the following actions.

First, the Council should unequivocally state that while the Agreement does not offer solutions to all problems or fulfil all of the objectives each party pursued militarily, its genuine provisions of compromise are worth implementing in the interests of peace and reform, and that continued renegotiation of the terms of the Agreement is not an option that will be entertained.

Secondly, the Council should underscore the absolute urgency of completing the security arrangements necessary to establish the Transitional Government of National Unity, as already urged by IGAD and the African Union. In this regard, last night I received from Mr. Riek Machar, leader of the SPLM/A In Opposition, a letter in which he stated that he would travel to Juba to form the Transitional Government only once 2,910 of his police and troops were in place in the capital, with a further 1,200 police sent to Bor, Malakal and Bentiu. This proposal does not constitute a phased approach to the implementation of security arrangements for the capital, as outlined in the IGAD communiqué of 31 January. The time it would take to fully deploy these forces would incur further delay of the formation of the Transitional Government of National Unity. Therefore, I plan to offer a compromise proposal on security arrangements for Juba that would be sufficient to ensure security for Mr. Machar's return and consequently allow for the formation of the Transitional Government of National Unity. I would request the Council to endorse the principles that underpin my intended plan — security arrangements that are appropriately phased, sequenced and realistic.

Thirdly, given the fragility of the security situation in South Sudan, the continued risk of conflict and the ongoing insecurity affecting the humanitarian relief effort, the Council should demonstrate its resolve to take all necessary measures against those who seek to impede implementation of the Agreement, and to underscore the seriousness of the situation faced by the Sudanese people, half of whom are projected to need humanitarian support to survive.

Finally, while the task of implementing vital economic, humanitarian and transitional justice processes should fall principally to the South Sudanese, the United Nations could assist with a number of them, including the provision of support to the African Union in its obligation to establish the independent hybrid judicial body, the hybrid court for South Sudan, and to the commission for truth, reconciliation and healing

due to be established by the prospective Transitional Government of National Unity.

The Agreement, as I said earlier, has great potential. But for that potential to be realized, no more time should be lost, and the pace of implementation must be accelerated. Focusing the attention of the parties on implementation, and showing that the consequences of failure have ramifications far beyond individual decision makers, is critical. I thank the Security Council for this opportunity and for its continued attention to the situation in South Sudan.

The President (*spoke in Spanish*): I thank Mr. Mogae for his informative briefing.

I now give the floor to Mr. Soumaré.

Mr. Soumaré: I thank you for the opportunity to brief the Security Council on the situation in South Sudan, Mr. President. Since the Council has already had the benefit of listening to Mr. Mogae's briefing and will soon hear from Assistant Secretary-General Šimonović, I will focus my comments on key operational developments in South Sudan and the efforts that the United Nations Mission in South Sudan (UNMISS) is making to implement its mandate.

I would like to start by expressing the Mission's concern about the outbreaks of violence at our protection-of-civilians sites in Malakal, which have resulted in civilian deaths. I should emphasize that the United Nations strongly condemns any infringement by armed elements on the civilian character of our protection sites. As we speak, UNMISS uniformed personnel are taking robust measures to strengthen physical security within and around the site, while humanitarian partners are working to resume the delivery of essential services. Meanwhile, we are engaged at all levels with the Government, the opposition and the national security forces, as well as within communities themselves, in order to address the underlying factors and avoid a resumption of violence. Unfortunately, civilian-on-civilian violence, complicated by the presence of armed elements, continues to occur frequently within these sites and underscores the challenge the Mission faces in sustaining them.

Violence continues in many regions of the country, including areas that had previously been relatively calm. A particular worry is the deteriorating security situation in Western Bahr El Ghazal, particularly around Wau, which has escalated during the past 48 hours. Fighting between the Sudan People's Liberation Army (SPLA) and organized armed groups in the area continues to threaten civilians and has resulted in a steady influx of internally displaced persons (IDPs) into Wau. Meanwhile, action taken by the SPLA to arrest and confront armed groups in Western Equatoria in December and January has led to widespread population displacement, with as many as 7,500 IDPs seeking protection in the compound of an international non-governmental organization near the UNMISS base in Yambio at the height of the displacement.

Elsewhere, as discussed in the report of the Secretary-General (S/2016/138), the rise in intercommunal violence in Jonglei, Warrap and Lakes remains a concern. In Jonglei, recent weeks have also seen a resurgence of dormant intercommunal clashes between the Lou Nuer and the Murle. Meanwhile, an internal leadership struggle among the Murle has led to a number of clashes, particularly in the Pibor area.

In response to such shifting conflict dynamics, the Mission has adopted a more agile force posture in its efforts to protect civilians affected by violence. UNMISS is focusing on projecting a physical presence away from its bases in Bentiu, Bor, Juba, Malakal and Wau through long-duration patrols and temporary operating bases in areas where insecurity is high. That includes the establishment of temporary operating bases in Leer and Mundri, which, along with the deployment of an additional company to Yambio, have strengthened the Mission's presence in Western Equatoria. In the Greater Upper Nile region, the Mission plans to deploy a regular troop presence on the west bank of the Nile, as well as within Malakal, with a focus on creating conditions that will enable IDPs to relocate voluntarily from the Malakal protection site. To strengthen physical security in Juba, the force has attempted to institute a 24/7 presence aimed at protecting civilians and United Nations personnel. However, night patrolling within the city has been constrained by the SPLA.

As the violence continues, the humanitarian needs continue to rise. An estimated 6.1 million people across South Sudan are in urgent need of humanitarian assistance as a result of interlocking threats, including armed conflict and intercommunal violence, economic decline, disease and climatic shocks. Insecurity and poor road conditions are also damaging the ability of the United Nations to pre-position humanitarian

supplies before roads are made impassable by the coming rainy season.

Despite the urgency of the task of meeting these needs, the Mission and its humanitarian partners continue to have to deal with significant constraints on their operations, including regular instances in which personnel are denied freedom of movement, as well as other violations of the Mission's status of forces agreement with the Government, which we have regularly reported to the Council and our Government counterparts.

These concerns underscore the urgent need to make progress in implementing the peace Agreement. To that end, Ms. Løj, the Special Representative of the Secretary-General, has been utilizing her good offices to support the work of Mr. Mogae, the Chair of the Joint Monitoring and Evaluation Commission (JMEC), and to engage with the parties on establishing transitional institutions. She has been convening a regular forum for international partners and friends of South Sudan aimed at consolidating support for the JMEC's efforts, a critical need that the Chair just highlighted in his statement. UNMISS also serves as a member of the JMEC partners group, which seeks to strengthen the engagement of regional and international JMEC members. The group issued a statement on 18 February fully supporting the decisions of the JMEC, while calling on the parties to grant unfettered access to humanitarian actors and ceasefire monitors.

From an operational standpoint, UNMISS has been supporting the eight monitoring and verification teams of the ceasefire monitoring mechanism, while supporting the deployment of additional teams to other critical areas. While the parties are still in the planning phase for the establishment of the Joint Operations Centre and Joint Integrated Police, UNMISS has conceptualized a preliminary training regime that can be implemented once the Joint Integrated Police is operationalized.

As President Mogae stated, it is of critical importance that the parties move ahead with the formation of the Transitional Government of National Unity. Nonetheless, we must remember that its formation is but the first of many interlocking steps forward towards fully implementing the peace Agreement. Once the Transitional Government is formed, it will need to be empowered to operationalize the institutions of transition.

Above all, the Transitional Government must act to put an end to the ongoing violence that continues to displace and harm civilians, while also disrupting the delivery of critical humanitarian assistance to the people of South Sudan. The Transitional Government must also take urgent action to address the impact of economic decline, which, compounded with severe food insecurity, has left tens of thousands of vulnerable people on the brink of humanitarian catastrophe. Only the full implementation of the peace agreement, with clear peace dividends for the people of South Sudan, will help bring stability to the country.

The President (*spoke in Spanish*): I thank Mr. Soumaré for his briefing.

I now give the floor to Mr. Šimonović.

Mr. Šimonović: I thank you, Sir, for inviting me to brief members of the Security Council on the human rights situation in South Sudan.

When the Agreement on the Resolution of the Conflict in the Republic of South Sudan was signed in August 2015, it was largely received with optimism that the parties to the conflict would abide by the declaration of a permanent ceasefire and halt their attacks on the civilian population. Small welcome steps have been made in the implementation of the peace Agreement, with crucial support from the African Union, the Intergovernmental Authority on Development and the wider international community. However, the reconciliatory rhetoric propagated by Government and opposition actors has deflected attention from the fact that the parties to the conflict continue to attack, kill, abduct, rape, arbitrarily detain and forcefully displace civilians, and pillage and destroy their property.

In the six months since the signing of the peace Agreement, a scorched-earth strategy has continued in which civilians were burned alive in their homes, their livestock raided and their means of livelihood destroyed. In the greater Upper Nile region, Government forces systematically razed villages to the ground in what appears to be a deliberate strategy to deprive perceived opposition supporters of any means of securing a living, thus forcing their displacement.

Attacks on civilians reveal horrific levels violence. In Leer county, Unity state, a survivor told our staff that her village was attacked by a mix of Sudan People's Liberation Army soldiers and armed youth in late October. She described how the attackers shot and

killed her husband and then locked up her grandfather in a storage room and burned him alive.

Children's rights violations and sexual violence in conflict remain rampant, despite respective commitments signed by the parties to conflict to cease and prevent them. During an attack on Koch county, one woman described how soldiers killed her husband, then tied her to a tree and forced her to watch as her 15-year-old daughter was raped by at least 10 soldiers. UNICEF estimates that about 16,000 children have been recruited and used by all parties since the beginning of the conflict, including over 400 children in the last quarter of 2015.

Fortunately, violence in Unity and the greater Upper Nile has subsided; however, new theatres of violence are emerging in areas previously little affected by direct hostilities, notably in the Equatorias. The United Nations Mission in South Sudan (UNMISS) has received reports of killings, sexual and gender-based violence, and the destruction and looting of civilian property. In recent months, allegations of unlawful and prolonged detention, mistreatment and extrajudicial killings of civilians have been documented, particularly in Western Equatoria state. An increasing number of armed defence groups have emerged in response to the Government's highly militarized approach to addressing insecurity. With the diffusion of armed conflict in all parts of the country, and the creation of local armed groups fighting against Government troops, South Sudan faces the risk of fragmentation and related human rights violations.

While conflict-related violence remains a serious concern, human rights are under attack throughout the country. As UNMISS recently documented in a report on the human rights situation, the space for freedom of expression and dissent has narrowed considerably. Several radio stations and newspapers have been closed for having reported on topics deemed too critical of the Government or, in the case of the Al Rai newspaper, reportedly on the grounds that one of its board members had recently joined Sudan People's Liberation Movement/Army in Opposition.

Human rights defenders and journalists have also been intimidated, harassed, attacked, and detained. In late December 2015, it was reported that a journalist of the El Tabeer newspaper had been arrested following the publication of an article he had written, criticizing the Government's economic policy. In 2015, seven journalists were killed by unidentified gunmen. This pattern of deliberately silencing dissenting voices seriously contributes to the shrinking of democratic space and negatively impacts the attainment of a sustainable peace.

A series of reports have repeatedly concluded that there are reasonable grounds to believe that gross violations of international human rights law, serious violations of international humanitarian law and international crimes have been committed by the parties to the conflict. These include human rights reports of UNMISS, the report of the African Union Commission of Inquiry on South Sudan, and the report of the Panel of Experts established pursuant to resolution 2206 (2015).

However, no action has been taken. Perpetrators of these violations have not been held accountable. South Sudan has a long history of forgiveness and amnesties, even for the most serious crimes. To break this long-standing cycle of impunity, and to prevent future violations of international human rights law, we must ensure that the transitional justice mechanisms outlined in the Peace Agreement are implemented. Almost total impunity so far contributes to incidents such as the recent rampages, killings, wounding, burning and looting in the UNMISS protection of civilians site in Malakal. There needs to be accountability to contribute to prevention.

Chapter V of the Agreement on the Resolution of the Conflict includes provisions to create a commission for truth, reconciliation and healing, a hybrid court for south sudan, and a compensation and reparation authority. The establishment of these mechanisms in line with international norms and standards is crucial to achieving sustainable peace, but their formation faces tremendous challenges. The need for resources will be enormous and require the international community's focus and funds over a long period of time. Once established, an independent hybrid court will only be able to put to trial the most senior officials responsible for human rights violations and abuses. However, many more perpetrators will need to face justice in South Sudanese courts, which currently do not have the capacity to conduct such trials.

In conclusion, let me put forward three recommendations. First, I urge the South Sudanese parties to the conflict to immediately cease all violations of international human rights law and international

humanitarian law. The parties to the conflict must abide by and implement their commitments made to end hostilities, to prevent conflict-related sexual violence, and to stop violations of child rights violations. The Agreement on the Resolution of the Conflict needs to be implemented in letter and spirit in a timely manner. Civil and military leaders have a command responsibility under international humanitarian law to prevent violations and to punish them, if they occur. Otherwise, they are responsible themselves.

Secondly, I urge members of the Security Council and regional leaders to continue engaging the parties to the conflict in that regard. It cannot be tolerated that leaders make declarations in Juba, while the hostilities and attacks on the civilian population continue and intensify across the country. Not only is South Sudan on the verge of fragmenting, but the conflict seriously threatens stability in the entire region.

Thirdly, I call on members of the Security Council and the entire international community to provide support, including financial, for the establishment of the transitional justice mechanisms outlined in the peace Agreement. The United Nations needs to extend all necessary support to the African Union and the Transitional Government of National Unity, once established, to ensure that the cycle of impunity is broken and justice is served.

The President (*spoke in Spanish*): I call on Mr. Seck.

Mr. Seck (Senegal) (*spoke in French*): I have the honour to brief the members of the Council in my capacity as Chair of the Committee established pursuant to resolution 2206 (2015) concerning South Sudan. In my briefing, I will present the main findings and recommendations set out in the final report of the Panel of Experts (S/2016/70), which was submitted to the Committee on 14 January, as well as the results of the Committee members' consideration of its conclusions and recommendations. I will also briefly the discuss the deliberations that took place on 12 February on the report of the Panel of Experts and on the status of the implementation of sanctions during the Committee's third official meeting, held with the representatives of South Sudan and the States of the region.

In its final report, which was conveyed to the Committee on 24 December and in the presentation of the report to the Committee on 14 January, the Panel of Experts provided an overview of the security situation, the political process and the humanitarian situation, each of which I will briefly touch upon. The Panel also described in detail the chain of command and control within the Government and the opposition, which underpinned its findings in establishing the command responsibility for the actions and policies that, in the Council's view, are grounds for designation.

First, with regard to the current security situation, the Panel's final report states that, as of mid-December 2015, the Agreement on the Resolution of the Conflict, which was signed in August 2015, had failed to an end the violence. Both parties were consistently violating the permanent ceasefire provided for by the peace Agreement, with particularly high levels of violence in Unity and Western Equatoria states. In mid-January, the Panel of Experts observed that, although a lull in the violence had been noted in some areas, including Upper Nile, violence between the communal forces and the Sudan People's Liberation Army had intensified in Western Equatoria state and flared up in other regions, particularly in Western Bahr el-Ghazal. According to the Panel, both parties continued to acquire weapons and military equipment, even after signing the peace Agreement and despite the worsening humanitarian crisis, considerable economic pressures and a significant decline in Government revenues.

Secondly, with regard to the political process, the Panel's final report underscores that, as of mid-December 2015, progress towards the establishment of the Transitional Government of National Unity had been minimal. In the Panel's assessment, even the tentative steps taken by the parties to implement the peace Agreement of August 2015 had been offset by a number of adverse factors, including the absence of a ceasefire, the intensification of intercommunal violence in some regions, the lack of verifiable progress on the demilitarization of Juba, and the Government's decision to create 28 new states in the country, despite the request of the Chair of the Joint Monitoring and Evaluation Commission, former President of Botswana Festus Mogae, who we have just heard, to refrain from pursuing the restructuring of the country. Based on those and other developments, the Panel of Experts saw no reason to believe that the Government or the opposition had made a strategic commitment to peace.

Thirdly, with regard to the humanitarian situation, the Panel stressed that the relentless war carried out by the parties had created an ever-worsening humanitarian disaster. More than 2.3 million people — one-fifth of the population — had been displaced since December 2013.

Over 3.9 million people are facing severe food insecurity and the obstruction of the flow of humanitarian aid is still widespread and systematic. The operations of the United Nations Mission in South Sudan, which we have just heard about from Mr. Soumaré, were severely limited owing to the obstructive measures constantly taken by the parties, with at least 450 violations of the status of forces agreement having been committed by the Government and several dozen similar acts committed by opposition groups since March 2015. The Panel of Experts also reported that 43 humanitarian workers had been killed since the war began in late 2013.

Fourthly, the Panel based its investigations to determine the command responsibility on the definition contained in Additional Protocol I to the Geneva Conventions, to which South Sudan is a party. The definition states that command responsibility not only includes the planning and execution of violations, but also extends to the failure to prevent or punish those acts when the commander knew or had reason to know that his subordinates had committed or were likely to commit those acts.

The Panel indicated that in investigating the acts that the Council had defined in resolution 2206 (2015) as grounds for sanctions — such as acts intended to extend or prolong the conflict, violations of ceasefire agreements, violations of international humanitarian law and international human rights law, deliberate attacks against civilians and against the United Nations missions and humanitarian personnel — it focused its attention on those who planned and oversaw major military operations, namely, those who held strategic and operational responsibility for the military.

In doing so, the Panel insisted that those who planned and oversaw major military operations may not have ordered each and every human rights violation, but that does not absolve them from their responsibility under the internationally accepted standard of command responsibility, and especially since the violations were systematically and continuously perpetrated, and no action was taken to investigate them or punish those responsible. The Panel determined that the complex, multi-pronged military operations in Unity state and elsewhere would not have been possible without careful planning, particularly of logistics, from headquarters in Juba, and without the approval of the most senior leadership of the Government. The Panel also reported that no commanders overseeing the violation of human rights abuses had been investigated or punished by the Government. The Panel further noted that its findings about the nature of the violence during the war and the responsibility for that violence perpetrated by both sides was consistent with the findings of the African Union Commission of Inquiry.

With respect to the Panel's four recommendations, in its first recommendation the Panel proposed that, in order to achieve the Council's goal of an inclusive and sustainable peace in the South Sudan, the Committee should designate high-level decision-makers responsible for actions and policies that threaten the peace, security and stability of the country and who have the power and influence to change the course of the war. In that connection, on 12 January the Panel conveyed to the Committee a confidential annex with the names of four individuals. During his briefing on 14 January, the Coordinator noted that there was clear and convincing evidence that the majority of acts of violence committed in the course of the war had been carried out under the direction of or with the knowledge of senior officials at the highest level of Government and within the opposition.

In its second recommendation, the Panel reiterated the proposal, set out in its interim report, that the Council impose a general arms embargo on South Sudan. The Panel determined that such an arms embargo was not a punitive measure, but was in fact essential to the stabilization of the security situation in the country, and that the lifting of the embargo could therefore be tied to progress in the implementation of the peace Agreement in order to provide an incentive for the parties.

In its third recommendation the Panel suggested that the Committee call on companies engaged in business activities in South Sudan, especially in the oil and natural resource sectors, to adhere to the principles of the Extractive Industries Transparency Initiative and to abide by the due diligence guidelines established by the Organization for Economic Cooperation and Development in order to reinforce the implementation of the provisions of chapter IV of the August 2015 peace Agreement, in particular those regarding transparency. The Panel noted in its response to questions during the presentation of the report that some actors in the oil sector in South Sudan were already paying due attention to these guidelines in other countries.

In its fourth and final recommendation, the Panel proposed that the Committee invite all humanitarian

actors participating in the Monitoring and Reporting Mechanism and in the Gender-based Violence Information Management System in South Sudan to collaborate with the Panel in order to identify perpetrators of violations of human rights and international humanitarian law.

With regard to the Committee's consideration of the Panel's report of 14 January, the ensuing discussion was lively. The Panel heard many comments and responded to many questions, particularly those relating to its four recommendations. With regard to the Committeee's consideration of the proposed actions in connection with the Panel's four recommendations, three of which were directed to the Committee, no consensus was reached on the proposed actions regarding the four recommendations.

As I briefly mentioned in the discussion under the item "Other matters" during the Committee's consultations on 14 January, it is my intenation to visit South Sudan and several States of the region in the early part of this year. I will inform the members of the Committee of the details of my planned visit in due course.

During the 14 January consultations, I also expressed my intention to convene a formal meeting of the Committee with the representatives of South Sudan and the regional States in connection with the Panel's final report. During the meeting held on 12 February, the Committee members stressed the importance of South Sudan and the regional States implementing the travel ban and assets freeze imposed by the Security Council against six individuals starting on 1 July 2015. For their part, the invited delegations provided their views on the findings and recommendations contained in the final report.

The President (*spoke in Spanish*): I thank Mr. Seck for his briefing.

I now give the floor to the representative of South Sudan.

Mr. Malok (South Sudan): Since this is the first time my delegation takes the floor to address the Council during your presidency, let me begin by congratulating you, Mr. President, on your assumption of the presidency of the Security Council for the month of February. Although it is rather late in the month, I would like to assure you of the full cooperation of my delegation. Let me also thank you and members of the Security Council for giving me the opportunity to address you on this issue of vital importance to my country.

Given the concern of the Council about the crisis situation in my country, allow me to reiterate that the Government of the Republic of South Sudan is steadfast in its commitment to the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudanin its entirety. The commitment has been demonstrated by the establishment and operationalization of the different committees stipulated in the peace Agreement, such as the Joint Military Ceasefire Commission, the National Constitutional Amendment Committee, the Ceasefire and Transitional Security Arrangements Monitoring Mechanism and the Strategic Defence and Security Review. These are clear precursors to a successful implementation of the peace Agreement. These entities have embarked progressively on doing what they have been asked to do, and their work is crucial to the implementation of the peace agreement.

On 11 February, His Excellency the President of the Republic of South Sudan, Salva Kiir Mayardit, appointed Mr. Riek Machar, leader of the Sudan People's Liberation Movement/Army in Opposition (SPLM/A in Opposition), and His Excellency Mr. James Waniga First Vice-President and Vice-President, respectively. Mr. Waniga was sworn in to his new post on 12 February and has officially assumed his duties as Vice-President. As Council members already know, President Salva Kiir Mayardit appointed 50 additional members of the Parliament who had been nominated by the SPLM/A in Opposition to serve in the Transitional National Legislative Assembly. The parties also agreed on the distribution of ministerial and deputy ministerial positions in the forthcoming Transitional Governmental of National Unity. President Kiir has already nominated people who will take up the positions given to the Government, and he is ready to form the Transitional Government of National Unity as soon as the SPLM/A in Opposition and the other political parties submit the names of their nominees.

The return of Mr. Riek Machar Teny to Juba to take up his position will open a new page in the implementation of the Peace Agreement. Therefore, we call upon the Security Council and the Secretary-General to use their good offices to call on him to return to Juba for the immediate formation of the Transitional Government of National Unity.

The security arrangements required by the peace agreement for the demilitarization of the capital city was unilaterally rolled out by the Government and today Sudan People's Liberation Army (SPLA) command has embarked through GPS and started moving forces to the new 25-kilometre-radius locations. We appeal to the international community to provide support for the establishment of new military barracks outside Juba. The South Sudan National Police Service has also finalized the list of its personnel to the Joint Integrated Police. The leadership of the South Sudan National Police Service is therefore waiting for their counterparts from the Sudan People's Liberation Movement/Army in Opposition (SPLM/A in Opposition) to finalize the formation of the unit and the Joint Operation Centre. The support of the United Nations Mission in South Sudan, therefore, is required in realization of the function of the Joint Integrated Police.

On 13 February, the joint command of the SPLA and the SPLM/A in Opposition inspected the sites allocated to be a residential area for the bodyguards of Mr. Riek Machar. The security arrangements also provide for Mr. Riek Machar Teny's security details to be in Juba prior to his return to Juba. The logistical details of such a huge force also require assistance from the international community. The security in the country has improved significantly, although we still experience insecurity in Mundri and Gbudwe from elements of the Arrow Boys. I wish I had enough time to delve into the details of the situation in those States.

The greater Western Equatoria has been the beacon of peace in South Sudan for the past 27 years, having been the first area to be liberated by the gallant SPLA forces. What we are seeing today is not the failure of politics or poor leadership for that matter, but an extension of what the world is facing. Climate change is a reality and its negative effect is what we are seeing today in my country. My Government actively participated in both the Sendai Risk Reduction Conference and the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in Paris, not because of what our industries have contributed to carbon depletion since we have none, but due to what we are facing.

Today, the Dinka pastoralists cannot graze in their traditional grazing land because they do not have enough water and grass, as they used to have. That forces them to look south where they can find water and healthy grass for their animals. The newfound grazing and water sources are predominantly inhabited by farmers. Those are the causes of what we are seeing in the Gbudwe and Mundri. The Government will restore peace in the region and life will return to normalcy.

It is a well-known fact that the mainstay of the economy of the Republic of South Sudan is mainly from oil revenue. Therefore, the drop in global oil prices affected local returns in South Sudan. That, coupled with the conflict that has ravaged the country for the past three years, has made the situation dire. Nevertheless, as stated in the Secretary-General's report (S/2016/138), the Government has introduced some reforms that are aimed at improving the economic situation of the country in the long run.

The Government further initiated negotiation with the Government of the Republic of the Sudan on the terms of the Agreement signed on 22 September 2012 between President Salva Kiir Mayardit and President Omar Hassan Ahmad Al-Bashir specifically in the area of oil transport fees through the Sudanese pipeline. President Al-Bashir agreed and the Minister of Petroleum of the Republic of the Sudan was in Juba to share ideas with his South Sudanese counterpart. To further improve the economic situation in South Sudan, the Government of the Republic of the Sudan agreed to open its border and allow free movement of goods and people between the two neighbours.

The humanitarian situation in my country will improve only when we fully implement the peace agreement. With its implementation, displaced persons will be able to go back home and resume normal life. The new non-governmental organization law promulgated in the Republic of South Sudan gave the Government the necessary tools required to restructure how humanitarian issues are managed and delivered. We call upon all stakeholders to join the Government in exercising its sovereign responsibility through the proper governance of humanitarian activities in accordance with the new law.

On 12 February, my delegation was invited by the Chair of the Committee established pursuant to resolution 2206 (2015) concerning South Sudan and regional countries neighbouring the Republic of South Sudan to discuss the state of the implementation of the sanctions regime. As we told the Committee then and I would like to reiterate the position once again before the Council today, I strongly believe that the Republic of South Sudan needs assistance, not sanctions, in

resolving the conflict it is going through. Sanctions will complicate the already complicated situation and shock it further.

We should instead focus our efforts towards the implementation of the peace agreement as the best way to foster peaceful coexistence among the people of the Republic of South Sudan. The international community can use more constructive and productive means of engaging the parties, rather than sanctions. The Government is disappointed by the plan to impose sanctions, rather than adopt measures that will encourage the parties to cooperate with the international community for peace. Sanctions at this crucial time in the history of South Sudan will only harden the stance and encourage confrontation and, above all, devastate the economy, increase economic pressures and inflict additional hardship on people who are already suffering and desperate. I call upon the Security Council not to adopt the four recommendations submitted to the Council by the Panel of Experts. Those recommendations, if adopted, will derail the milestones we have achieved so far.

Allow me to conclude by reiterating the stance of my Government about the implementation of the peace agreement in letter and spirit. We call upon the Security Council and the international community to genuinely support the implementation of the peace agreement more positively both financially and morally.

The President (*spoke in Spanish*): I now invite the members of the Council to informal consultations to continue our discussion on the subject.

The meeting rose at 11.20 a.m.